

Message Text

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TO SECSTATE WASHDC PRIORITY 6222
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C O N F I D E N T I A L SECTION 1 OF 3 OSLO 3613

C O R R E C T E D C O P Y-SECTION 1 OF 3 VICE 1 OF 2 AS VALIDATED

E.O. 11652: GDS
TAGS: PBOR, NO, UR
SUBJ: LATEST SOVIET PROTEST ON SVALBARD FISHERIES PRESERVATION ZONE

REF: OSLO 3586

1. SUMMARY: ON JULY 18TH SOVIETS PROTESTED NORWEGIAN
INSPECTION OF SOVIET FISHING VESSELS WITHIN THE SVALBARD
FISHERIES PRESERVATION ZONE. THE SOVIET PROTEST HAS
DAMPENED THE GON'S OPTIMISM THAT IT COULD PERSUADE THE RUSSIANS
TO GO ALONG WITH ITS FPZ PLANS. THE PROTEST HAS ALSO CONSIDERABLY
COMPLICATED THE UPCOMING VISIT OF MINISTER EVENSEN TO MOSCOW.
END SUMMARY.

2. DCM CALLED ON MFA LEGAL DIRECTOR AMLIE JULY 27TH TO RECEIVE
MORE INFORMATION ABOUT THE RECENT SOVIET PROTEST OVER THE NORWEGIAN
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PLANS FOR THE FISHERIES PRESERVATION ZONE (FPZ) AROUND SVALBARD
(REFTEL.

3. AMLIE STATED BY WAY OF BACKGROUND THAT AS WE WERE AWARE,
THE NORWEGIAN GOVERNMENT HAD ESTABLISHED REGULATIONS GOVERNING
FISHING EQUIPMENT AND TRAWL-FREE ZONES WITHIN THE FISHERIES
PRESERVATION ZONE HAVING EFFECT FROM THE 1ST OF MAY. THE

REGULATIONS WRE SO WRITTEN AS TO CONFORM WITH THE EXISTING NEAFC REGULATIONS IN THE HOPES THAT THIS WOULD MAKE IT EASIER FOR THE SOVIETS TO COMPLY WITH THE REGULATIONS. SINCE NEAFC AS AN ORGANIZATION OFFICIALLY WENT OUT OF EXISTENCE JULY 1ST THIS YEAR, THESE REGULATIONS WWER THEN DECLARED AS UNILATERAL NORWEGIAN REGULATIONS FROM JULY 1ST FORWARD (SEE OSLO 2027 FOR A FULLER DESCRIPTION OF THIS ASPECT OF THE FPZ PLAN). AMLIE STATED THAT PRIOR TO JULY 1ST, THE NORWEGIAN COAST GUARD HAD BEEN ABLE SUCCESSFULLY TO INSPECT SOVIET VESSELS WITHIN THE FPZ. THERE HAD BEEN NO VIOLATIONS OF THE NEAFC REGULATIONS BY THE SOVIET VESSELS. HOWEVER, A NORWEGIAN COAST GUARD VESSEL INSPECTED TWO SOVIET FISHING VESSELS IN THE FPZ ON JULY 1ST. THE NORWEGIAN INSPECTORS DETERMINED THAT ONE SHIP WAS USING NETS OF A MESH SIZE CONSIDERABLY SMALLER THAN THOSE ALLOWED UNDER NORWEGIAN REGULATIONS AND THAT NEITHER SHIP HAD REPORTED THEIR CATCHES TO THE NORWEGIAN AUTHORITIES AS REQUIRED BY NORWEGIAN FPZ REGULATIONS.

4. AMLIE STATED THAT THE NORWEGIAN FISHERIES DEPARTMENT ON JULY 6 TH TOLD THE FOREIGN MINISTRY THAT IN ITS VIEW THESE VIOLATIONS WERE SERIOUS ENOUGH TO BE MADE KNOWN TO THE SOVIET AUTHORITIES. THE MFA INSTRUCTED THE NORWEGIAN EMBASSY IN MOSCOW TO DELIVER A POUR MEMOIRE TO THE MINISTRY OF FISHERIES (WHICH IT DID ON JULY 11TH) STATING WHAT HAD BEEN DISCOVERED IN THE COURSE OF THESE TWO INSPECTIONS. THE SOVIET FISHERIES MINISTRY OFFICIAL WHO RECEIVED THE POUR MEMOIRE TOLD THE CONFIDENTIAL

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NORWEGIAN EMBASSY OFFICIAL THAT THE SOVIET FISHING VESSELS OWNERS WOULD BE INFORMED AND THAT INFRACTIONS WOULD HAVE CONSEQUENCES FOR THE OWNERS AND THE CAPTAINS. AMLIE STATED THAT THIS APPARENTLY FORTHCOMING REPLY BY THE SOVIET FISHERIES MINISTRY LED THE GON TO BELIEVE THAT THE SOVIETS WOULD COMPLY WITH THE FPZ REGULATIONS.

5. NORWEGIAN HOPES IN THIS DIRECTION, HOWEVER, WERE DASHED BY AN ORAL DECLARATION READ BY SOVIET AMBASSADOR KIRICHENKO TO FOREIGN MINISTER FRYDENLUND DURING THE COURSE OF A CALL ON THE FOREIGN MINISTER JULY 18TH. READING FROM HIS NOTES OF THAT MEETING, AMLIE TOLD US THAT THE SOVIET DECLARATION MADE THE FOLLOWING POINTS:

A) A NORWEGIAN INSPECTOR HAD BOARDED THREE SOVIET BOATS IN THE FPZ ON THE 1ST AND 2ND OF JULY AND ACCUSED THE SOVIET FISHERMEN OF VIOLATIONS OF THE REGULATIONS (AMLIE SATES THE NORWEGIAN GOVERNMENT HAS NO RECORD OF THE THIRD SHIP REFERRED TO). THE SOVIET AUTHORITIES REFUTE THESE ACCUSATIONS BY THE NORWEGIAN REPRESENTATIVES AS INCORRECT, AND AS BEING BASED ON NORWAY'S UNILATERAL DECISION ON WHICH THE SOVIET SIDE HAS EXPRESSED THE SOVIET GOVERNMENT'S VIEW IN ITS NOTE OF JUNE 15, 1977 AND REITERATED ON SEVERAL OCCASIONS.

B) ON THE BASIS OF THE NORWEGIAN REPRESENTAION, THE
CONCLUSION CAN BE DRAWN THAT THE NORWEGIAN SIDE, WITHOUT
CONSIDERING THE POSSIBLE UNDESIRABLE CONSEQUENCES, PREFERS
TO FOLLOW THE PATH OF UNILATERAL SOLUTIONS IN AN AREA WHERE
THE SOVIET UNION HAS LEGITIMATE RIGHTS AND TRADITIONAL INTERESTS
INSTEAD OF CONTINUING THE ENDEAVORS TO ACHIEVE A MUTUALLY ACCEPTABLE
AGREEMENT AT THE NEGOTIATING TABLE.

C) THE SOVIET SIDE'S COMPETENT AUTHORITIES ARE PREPARED
TO SEEK SUCH AN AGREEMENT AND AGAINST THIS BACKGROUND THE SOVIET
FISHERIES MINISTRY WOULD BE PREPARED TO RECEIVE MR. EVENSEN
OR ANOTHER GON REPRESENTATIVE AT A FIXED TIME TO BE DETERMINED
LATER FOR NEGOTIAIONS ABOUT THIS QUESTION.
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D) AT THE SAME TIME THE SOVIET GOVERNMENT EXPRESSES THE
HOPE THAT THE NORWEGIAN SIDE WILL ABSTAIN FROM ACTIONS WHICH
CAN RENDER THE ACHIEVEMENT OF A MUTUALLY ACCEPTABLE SOLUTION
MORE DIFFICULT.

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6. THE NORWEGIAN GOVERNMENT'S ASSESSMENT OF THE SOVIET DEMARCHE IS THAT IT IS SOMEWHAT HARSHER THAN THE TWO PREVIOUS DEMARCHES OF MAY 3RD AND MAY 22ND THIS YEAR. (OSLO 2226) AMLIE NOTED, HOWEVER, THAT THERE WERE MANY SIMILARITIES BETWEEN THIS ORAL DELCARATION AND THE ONE WHICH KIRCHENKO HAD MADE TO THE FOREIGN MINISTER MAY 22ND. (AT THAT TIME THE SOVIETS HAD SAID THAT THE NORWEGIAN FPZ PLANS WERE NO IN CONFORMITY WITH THE SVALBARD TREATY AND DID NOT HARMONIZE WITH THE DEVELOPMENT OF GOOD NEIGHBORLY RELATIONS BETWEEN THE TWO COUNTRIES. KIRICHENKO HAD ALSO SAID THAT IT WAS STRANGE THE NORWEGIAN SIDE NONETHELESS PREFERRED THIS COURSE OF ACTION INSTEAD OF CONTINUING TO WORK TO FIND MUTUALLY ACCEPTABLE AGREEMENTS AT THE NEGOTIATING TABLE AND THE SOVIET AMBASSADOR EXPRESSED THE HOPE THAT THE NORWEGIAN GOVERNMENT WOULD NOT CARRY OUT ANY ACTIONS WHICH COULD ENTAIL UNDERSIRABLE CONSEQUENCES). AMLIE NOTED THAT WHEREAS THE PREVIOUS SOVIET PROTESTS HAD BEEN RESTRICTED TO THE FPZ REGULATIONS, THEY HAD NOW BEEN BROADENED TO THE ISSUE OF ENFORCEMENT OF THE FPZ. IN RESPONSE TO THE DCM'S QUESTION, CONFIDENTIAL

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AMLIE STATED THAT NO NEW INSTRUCTIONS HAVE GONE OUT TO THE COAST GUARD SINCE THE SOVIET DEMARCHE THOUGH HE ALSO CONFIRMED THERE HAD BEEN NO INSPECTIONS OF ANY SOVIET VESSELS SINCE THE INCIDENTS REFERRED TO.

7. AMLIE STATED THAT THE SOVIET DEMARCHE HAS CONSIDERABLY DAMPENED THE ENTHUSIASM OF MINISTER EVENSEN AND HIS COLLABORATORS ON THE PROPECTS FOR THE FPZ. EVENSEN'S INTERPRETATION OF THE LATEST DEMARCHE, ACCORDING TO AMLIE, IS THAT IT REPRESENTS A HAFDENING OF THE SOVIET VIEW TOWARDS THE FPZ (AN OBSERVATION WHICH EVENSEN HIMSELF HAS MADE TO US ON JULY 24TH). AMLIE BELIEVES, HOWEVER, THAT THE NORWEGIANS AND ESPECIALLY MR. EVENSEN HAVE CONSISTENTLY OVER-ESTIMATED THE WILLINGNESS OF THE SOVIET GOVERNMENT TO AFFORD THE FPZ DE FACTO RECGONITION. HE BELIEVE THAT WHAT MAY NOW HAVE CHANGED IS NOT SO MUCH THE SOVIET POSITION ON THE FPZ BUT THE NORWEGIAN PRECEPTION OF THE SOVIET POSITION.

8. IN ANY EVENT THE SOVIET PROTESTS HAS MADE IT CLEAR THAT MR. EVENSEN CANNOT SIMPLY PROCEED TO MOSCOW ON AUGUST 15TH TO DISCUSS ONLY THE REPORTING ARRANGEMENTS UNDER THE FPZ. THE SOVIETS HAVE IN EFFECT ADDED THE ENTIRE QUESTION OF THE FPZ ITSELF TO THE AGENDA FOR THAT SESSION IN THEIR FULY 18TH DEMARCHE. AMLIE NOTED THE NORWEGIAN GOVERNMENT IS LOATHED TO REOPEN WITH THE SOVIETS DISCUSSIONS OF THE PRINCIPLE OF THE ZONE AND CANNOT ACCEPT THE EXERCISE OF ANY JOINT RESPONSIBILITY THE NORWEGIANS AND SOVIETS MAY HAVE IN THE AREA THROUGH JOINT MEASURES. HE IS STRUCK BY THE CONTINUED SOVIET EMPHASIS ON

WORDS LIKE "UNILATERAL" AND "MUTUAL" AND BELIEVES THE LATEST PROTEST CLEARLY REPRESENTS AN ATTEMPT BY THE SOVIETS TO ONCE AGAIN STEER THE NORWEGIANS TOWARDS A BILATERAL CONDOMINIUM ON THE FPZ.

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9. AMLIE SAID THE GON IS NOW CONSIDERING WHAT KIND OF INSTRUCTIONS AND DELEGATION TO SEND WITH EVENSEN TO MOSCOW.

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10. IN RESPONSE TO THE DCM'S QUESTION AMLIE STATED THAT HE DID NOT BELIEVE THE RECENT SERIES OF SOVIET SHIP VIOLATIONS IN NORWEGIAN TERRITORIAL SEAS WERE CONNECTED WITH THE PROBLEMS OVER THE FPZ. IN HIS VIEW OF THE SOVIETS WANTED TO MAKE A POINT ABOUT THE FPZ THEY COULD HAVE COOKED UP INCIDENTS TO CHALLENGE NORWEGIAN REGULATIONS THERE IN A MORE DIRECT WAY, FOR EXAMPLE, BY FISHING IN THE TRAWL-FREE ZONES AND CHALLENGING THE NORWEGIAN GOVERNMENT TO DO SOMETHING ABOUT IT. MOREOVER HE NOTED THE FIRST OF THE SHIP VIOLATIONS TOOK PLACE ON JUNE 27TH, BEFORE

THE JULY 1ST NEAFC EXPIRATION AND THESE VIOLATIONS HAVE ALL OCCURRED WELL AWAY FROM THE FPZ. FINALLY, AMLIE ARGUES THAT IF THE SHIP VIOLATIONS ARE MEANT TO CONVEY A SIGNAL TO THE NORWEGIAN GOVERNMENT, IT IS REASONABLE THAT THE SOVIETS WOULD WANT THE SIGNAL TO BE READILY UNDERSTOOD. AS AN ASIDE, AMLIE NOTED THERE HAVE BEEN NO FURTHER INCIDENTS INVOLVING SOVIET VESSELS SINCE JULY 23RD AND THAT THE NORWEGIAN FOREIGN MINISTER HAD A BRIEF MEETING WITH SOVIET AMBASSADOR KIRICHENKO JULY 24TH
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TO STRESS AGAIN THE NORWEGIANMENT'S UNHAPPINESS WITH THE VIOLATIONS.

11. COMMENT: WE ARE INCLINED TO AGREE WITH AMLIE THAT THE MOST RECENT SOVIET DEMARCH ON THE FPZ IS CONSISTENT WITH LONG-STATED SOVIET UNHAPPINESS OVER THE NORWEGIAN PLANS. FOR EXAMPLE, THE POINTS WHICH THE SOVIETS MADE ON JULY 18TH FARE FULLY CONSISTENT WITH THE INITIAL SOVIET ORAL PROTEST ON THE FPZ MADE IN JANUARY 1977 (OSLO 105 JAN 77) AND WITH THE SUBSEQUENT DIPLOMATIC NOTE OF JUNE 15, 1977 (TEXT IN OSLO 3187 JULY 77). THROUGHOUT THE INTERVENING 18 MONTHS, THE PERCEPTION OF EVENSEN AND HIS COLLEAGUES OF SOVIET INTENTIONS HAVE TENDED TO BE AT A MINIMUM OPTIMISTIC AND ON ACCASION ARGUABLY NAIVE.

12. WE SENSE THAT THE GON MAY BE HEADED TOWARDS ANOTHER ROUND OF THE EVENSEN-FRYDENLUND DISPUTE OVER WHICH OF THE TWO MINISTERS WILL CALL THE SHOTS ON THE GOVERNMENT'S DEALINGS WITH THE SOVIETS. INTERESTINGLY, AT A TIME WHEN THE REST OF THE GOVERNEMTN WAS TRYING TO DAMPEN DOWN DISCUSSION OF THE SOVIET SHIP VIOLATIONS, MINISTER EVENSEN TOOK TO THE NATIONAL TELEVISION AND LABOR PARTY PRESS ON JULY 22ND TO EXPOUND HIS VIEW THAT THE SOVIETS MIGHT NOT HAVE VIOLATED NORWEGIAN WATERS AND TO EMPHASIZE THE IMPORTANCE OF CONTINUING TO GET ALONG WITH THE RUSSIANS. THE OPPOSITION NON-SOCIALIST PRESS HAS BEEN QUICK TO SEIZE UPON THIS DIFFERENCE OF EMPHASIS IN EVENSEN'S STATEMENT COMPARED WITH THAT OF OTHER GON REPRESENTATIVES. THE CONSERVATIVE PAPER "MORGENBLADET" JULY 27TH CALLED THE MULTI-VOICED NORWEGIAN GOVERNMENT'S REACTION TO THE INCIDENT "EMBARRASSING."

13. THUS, THE NORWEGIAN GOVERNMENT FACES TWO RELATED AND DIFFICULT PROBLEMS IN DEALING WITH RECENT EVENTS. FIRST IT MUST
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DECIDE HOW IT IS GOING TO TREAT ITS RELATIONS WITH THE SOVIETS

IN THE SPECIFIC ISSUE OF THE FPZ DURING THE AUGUST 15 MEETINGS IN
MOSCOW. BUT TO ARRIVE AT THAT DECISION, THE GOVERNMENT
MUST ALSO RESOLVE SOME OF THE INTERNAL
GOVERNMENT DISAGREEMENT AS TO HOW TO INTERPRET THE SHIP VIOLATIONS
AND THE SOVIET'S ATTITUDE TOWARDS THE FPZ.
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